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WANG, JIN CHENG	
ART UNIT	**PAPER NUMBER**
2628	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/669,593	SHIOTA ET AL.	
	Examiner	Art Unit	
	Jin-Cheng Wang	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/16/2008 has been entered. Claims 1, 6, 11 and 16 have been amended. The claims 1-25 are pending in the application.

Response to Arguments

Applicant's arguments filed January 16, 2008 have been fully considered but are moot in view of the new ground(s) of rejection of the base claim 1 based on Kahn et al. US 2004/0004663 A1 and Asami U.S. Patent No. 6,882,350 set forth in the present Office Action.

As addressed below, Kahn teaches a method for generating an album based on album data including at least one image data set, which has been photographed during a trip and which has location data representing a photography location attached thereto, comprising the steps of:

Loading the image data into a personal computer (*See Paragraph 0044-0045 wherein the image data is taken by the digital camera 100 and is loaded to the local host device such as cell phone, personal digital assistant, computer or the like and the personal digital assistant or the computer meets the claim limitation of "a personal computer"*);

Forwarding image data from a user terminal of said personal computer to a generation support server (*e.g., Kahn teaches forwarding/uploading user's photos from the local host device to the image management server of Fig. 4; see Paragraph 0089 and 0097-0098)*, a user at the user terminal being identified by a user ID (*user's GPS location, location ID in paragraph 0094 and 0097 and user's identity ID of paragraph 0098*), where a predetermined reference position corresponds to said user ID (*e.g., Paragraph 0051 wherein the location information of where the user is currently located, the most recently captured images for organizing a plurality of photos. The location information may also be a centroid of a given geographic location of interest of Kahn meets the claim limitation of "a predetermined reference position" wherein the centroid is associated with the user's location ID and/or the user's ID; see paragraph 0093*); and,

The generation support server performing the steps of:

Calculating said distance between the photography location of the image data set and a predetermined reference position, based on the location data (*e.g., Kahn teaches calculating the distance by determining whether the user's GPS location lies within a given geographic location of interest to determine the distance between the user's GPS location and the centroid for a given geographic location as performed within an SQL stored procedure; see Paragraph 0093*);

Judging whether the distance is over a predetermined threshold value (*e.g., the radius of a given geographic location as taught in Kahn meets the claim limitation of "a predetermined threshold value"; see Paragraph 0093-0094*; a list of fulfillers within a given distance as retrieved from the database in the image manager are returned to the local applet and displayed to the user as sorted by least distance to the user; see Paragraph 0098-0100);

Classifying the image data set as one of a vacation album or specific theme album according to the result of judgment (*Fig. 5F shows the image data set as a vacation album or specific theme album such as Friends album or Spring Time album or "Venice Italy" album. The "albums" based on location of Paragraph 0098-0100*);

Obtaining from a storage device additional data associated with the classification made for the image data set (*See Paragraph 0098 the location ID information and metadata comprising the latitude and longitude positions are stored as a database record in a database table as well as timestamp, user ID are stored in the database. A portion of the data constitute the additional information; see Paragraph 0100 the image manager compares the location ID against a database of fulfillers and a list of fulfillers within a given distance is returned to the local applet which displays the list to the user*); and

Generating the album data according to the result of classification and the image data set and the additional data (*"albums" based on location of Paragraph 0089 and Paragraph 98-0100; see Paragraph 0100 the image manager compares the location ID against a database of fulfillers and a list of fulfillers within a given distance is returned to the local applet which displays the list to the user*).

Kahn is silent to the claim limitation of displaying together, on a display screen, both map data indicating a travel route and thumbnail images in a chronological order.

However, Asami discloses in Figs. 10-12 and 15-19 displaying together on a display screen both map data indicating a travel route and thumbnail images in a chronological order (See also Asami column 20, lines 34-62, e.g., the map data indicating the sightseeing course of the tour or the map data indicating the route connecting the thumbnail icons of photos).

Although Kahn discloses the claim limitation of obtaining, from a storage device, additional data associated with the classification made for the image data set; and generating the album data according to the result of classification and the image data set and the additional data, Kahn does not explicitly disclose the claim limitation of "a map database" within the claim limitation of obtaining, from a storage device and a map database, additional data associated with the classification made for the image data set; and generating the album data according to the result of classification and the image data set and the additional data. However, Kahn discloses a database which stores geographic locations and/or the latitude and longitude information about the photos taken at the geographic locations (See Paragraph 0098) and therefore Kahn implicitly teaches a map database storing geographic locations and/or the latitude and longitude information about the photos taken at the geographic locations. Therefore, Kahn implicitly teaches the claim limitation of obtaining, from a storage device and a map database, additional data associated with the classification made for the image data set; and generating the album data according to the result of classification and the image data set and the additional data.

However, Asami further teaches the claim limitation of obtaining, from a storage device (e.g., the image position information and image pickup time database) and a map database (e.g., the map database 113 of Fig. 9), additional data associated with the classification made for the image data set (e.g., the additional information being the position information and time information; see Fig. 9; see also column 24, lines 40-67); and generating the album data according to the result of classification and the image data set and the additional data (*e.g., column 24, lines 40-67 generating the album data relating to a selected route according to the result of classification based on the image data on a specific route line and a collection of photo*

icons are displayed on as specific route line as controlled by the control movement of the map; thumbnail icons are read from memory storage and displayed at any time; changing a route line by the control movement changes the corresponding image thumbnail icons being displayed and thus the image data set is classified according to a specific route line---or specific theme album on the specific route line; see column 25, lines 1-10; see also column 25, lines 55-67).

Moreover, Asami also discloses the other claim limitations set forth in the claim 1. For example, Asami discloses the claim limitation of judging whether the distance is over a predetermined threshold value (the thumbnail icon is positioned based on the longitude and latitude information and is obtained by matching the position information and thus Asami implicitly teaches a match distance between the position coordinates of the travel route line and the position coordinates of the photo icons. Asami implicitly discloses that a match distance between the image pickup time and the pickup time of the photos. Moreover, the thumbnail icons are obtained based on the judgment that the coordinates of the photos are in match with the coordinates of the travel route line and a predetermined number of photo icons possessing the pickup time data are extracted; see column 22, lines 5-35) and classifying the image data set as one of a vacation album or specific theme album according to the result of judgment (*e.g., at column 24, lines 40-67 Asami teaches generating the album data relating to a selected route according to the result of classification based on the image data on a specific route line and a collection of photo icons are displayed on as specific route line as controlled by the control movement of the map; thumbnail icons are read from memory storage and displayed at any time; changing a route line by the control movement changes the corresponding image thumbnail*

icons being displayed and thus the image data set is classified according to a specific route line--

-or specific theme album on the specific route line; see column 25, lines 1-10).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to have incorporated Asami into Kahn's method and apparatus for generating an album because Kahn's photos are location dependent in a trip and are ordered in chronological order in a trip and Kahn's photos thus can be displayed according to the teaching of Asami (Figs. 15-19 and 10-12 of Asami) as Asami's photos are also locations dependent and are ordered chronologically for a trip.

One of the ordinary skill in the art would have been motivated to incorporate Asami to display the photo icons along the travel route (See also Asami column 20, lines 34-62, e.g., the map data indicating the sightseeing course of the tour or the map data indicating the route connecting the thumbnail icons of photos; See also Asami Figs. 10-12 and 15-19).

Claim Objections

Claims 2-5, 21 and 25 are objected to because of the following informalities: on line 1 of the respective claim, "A method" should be "The method". Appropriate correction is required.

Claims 7-10 are objected to because of the following informalities: on line 1 of the respective claim, "An album generating apparatus" should be "The album generating apparatus". Appropriate correction is required.

Claims 12-15 and 23 are objected to because of the following informalities: on line 1 of the respective claim, "A program" should be "The program". Appropriate correction is required.

Claims 17-20 and 24 are objected to because of the following informalities: on line 1 of the respective claim, "A recording medium" should be "The computer readable medium". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 6-10 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites "An album generating apparatus...comprising: loading....displaying...forwarding....". It is not clear whether an apparatus claim or a process claim is claimed in the claim 6. The body of the claim 6 recites process steps while an apparatus is recited in the preamble. Clarification is required. The claims 7-10 and 22 depend upon the claim 6 and are subject to the same rationale of rejection set forth in the claim 6.

Claims 16-20 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 16 recites "A computer readable medium...the program comprising the procedures of loading...displaying...obtaining". The claimed computer readable medium is not limited to the tangible embodiment, but includes an intangible embodiment such as transmission means or internet downloads. Therefore, a data structure in an internet download or transmission medium or signal has been included in the embodiment. It is thus not clear whether an apparatus claim or a process claim is claimed in the claim 16. Moreover, the body of

the claim 16 recites process steps while an apparatus is recited in the preamble. Clarification is required. The claims 17-20 and 24 depend upon the claim 16 and are subject to the same rationale of rejection set forth in the claim 16.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-15 and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 11:

Claim 11 recites a program. Computer program per se is neither computer components nor statutory process. Thus, claim 11 is non-statutory.

The claims 12-15 and 23 are subject to the same rationale of rejection set forth in the claim 11.

Claims 6-10 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 6-10 and 22:

Claim 6 recites "An album generating apparatus...comprising: loading....displaying...forwarding....". The claim apparatus is nothing more than a computer algorithm as evidenced in the claim 11. Claim 6 applies a computer program as part of a seemingly patentable apparatus or system, however, claim 6 in reality seeks patent protection for the computer program as evidenced in the body of the claim wherein a series of process steps are recited. Computer program per se is neither computer components nor statutory process. Thus, claim 6 is non-statutory.

The claims 7-10 and 22 are subject to the same rationale of rejection set forth in the claim 18.

Claims 16-20 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16-20 and 24:

Claim 16 recites "A computer readable medium...the program comprising the procedures of loading...displaying...obtaining". The claimed computer readable medium is not limited to the tangible embodiment, but includes an intangible embodiment such as transmission means or internet downloads. Moreover, the body of the claim recites process steps. It cannot be determined whether the claim is an apparatus claim or a method claim. Therefore, the claim 16 is non-statutory.

The claims 17-20 and 24 are subject to the same rationale of rejection set forth in the claim 18.

Computer-Related Nonstatutory Subject Matter

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. See Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable

as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) ("[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under § 101, the claimed invention, as a whole, must be evaluated for what it is.") (quoted with approval in Abele, 684 F.2d at 907, 214 USPQ at 687). See also In re Johnson, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) ("form of the claim is often an exercise in drafting"). Thus, nonstatutory music is not a computer component and it does not become statutory by merely recording it on a compact disk. Protection for this type of work is provided under the copyright law.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. US 2004/0004663 A1 (hereinafter Kahn) in view of Asami U.S. Patent No. 6,882,350 (hereinafter Asami).

Re Claims 1, 6, 11, 16 and 25:

Kahn teaches a method for generating an album based on album data including at least one image data set, which has been photographed during a trip and which has location data representing a photography location attached thereto, comprising the steps of:

Loading the image data into a personal computer (*See Paragraph 0044-0045 wherein the image data is taken by the digital camera 100 and is loaded to the local host device such as cell phone, personal digital assistant, computer or the like and the personal digital assistant or the computer meets the claim limitation of "a personal computer"*);

Forwarding image data from a user terminal of said personal computer to a generation support server (*e.g., Kahn teaches forwarding/uploading user's photos from the local host device to the image management server of Fig. 4; see Paragraph 0089 and 0097-0098)*, a user at the user terminal being identified by a user ID (*user's GPS location, location ID in paragraph 0094 and 0097 and user's identity ID of paragraph 0098*), where a predetermined reference position corresponds to said user ID (*e.g., Paragraph 0051 wherein the location information of where the user is currently located, the most recently captured images for organizing a plurality of photos. The location information may also be a centroid of a given geographic location of interest of Kahn meets the claim limitation of "a predetermined reference position" wherein the centroid is associated with the user's location ID and/or the user's ID; see paragraph 0093*); and,

The generation support server performing the steps of:

Calculating said distance between the photography location of the image data set and a predetermined reference position, based on the location data (*e.g., Kahn teaches calculating the distance by determining whether the user's GPS location lies within a given geographic location of interest to determine the distance between the user's GPS location and the centroid for a given geographic location as performed within an SQL stored procedure; see Paragraph 0093*);

Judging whether the distance is over a predetermined threshold value (*e.g., the radius of a given geographic location as taught in Kahn meets the claim limitation of "a predetermined threshold value"*; *see Paragraph 0093-0094*; a list of fulfillers within a given distance as retrieved from the database in the image manager are returned to the local applet and displayed to the user as sorted by least distance to the user; see Paragraph 0098-0100);

Classifying the image data set as one of a vacation album or specific theme album according to the result of judgment (*Fig. 5F shows the image data set as a vacation album or specific theme album such as Friends album or Spring Time album or "Venice Italy" album. The "albums" based on location of Paragraph 0098-0100*);

Obtaining from a storage device additional data associated with the classification made for the image data set (*See Paragraph 0098 the location ID information and metadata comprising the latitude and longitude positions are stored as a database record in a database table as well as timestamp, user ID are stored in the database. A portion of the data constitute the additional information; see Paragraph 0100 the image manager compares the location ID*

against a database of fulfillers and a list of fulfillers within a given distance is returned to the local applet which displays the list to the user); and

Generating the album data according to the result of classification and the image data set and the additional data (*"albums" based on location of Paragraph 0089 and Paragraph 98-0100; see Paragraph 0100 the image manager compares the location ID against a database of fulfillers and a list of fulfillers within a given distance is returned to the local applet which displays the list to the user*).

Kahn is silent to the claim limitation of displaying together, on a display screen, both map data indicating a travel route and thumbnail images in a chronological order.

However, Asami discloses in Figs. 10-12 and 15-19 displaying together on a display screen both map data indicating a travel route and thumbnail images in a chronological order (See also Asami column 20, lines 34-62, e.g., the map data indicating the sightseeing course of the tour or the map data indicating the route connecting the thumbnail icons of photos).

Although Kahn discloses the claim limitation of obtaining, from a storage device, additional data associated with the classification made for the image data set; and generating the album data according to the result of classification and the image data set and the additional data, Kahn does not explicitly disclose the claim limitation of "a map database" within the claim limitation of obtaining, from a storage device and a map database, additional data associated with the classification made for the image data set; and generating the album data according to the result of classification and the image data set and the additional data. However, Kahn discloses a database which stores geographic locations and/or the latitude and longitude information about the photos taken at the geographic locations (See Paragraph 0098) and therefore Kahn implicitly

teaches a map database storing geographic locations and/or the latitude and longitude information about the photos taken at the geographic locations. Therefore, Kahn implicitly teaches the claim limitation of obtaining, from a storage device and a map database, additional data associated with the classification made for the image data set; and generating the album data according to the result of classification and the image data set and the additional data.

However, Asami further teaches the claim limitation of obtaining, from a storage device (e.g., the image position information and image pickup time database) and a map database (e.g., the map database 113 of Fig. 9), additional data associated with the classification made for the image data set (e.g., the additional information being the position information and time information; see Fig. 9; see also column 24, lines 40-67); and generating the album data according to the result of classification and the image data set and the additional data (*e.g., column 24, lines 40-67 generating the album data relating to a selected route according to the result of classification based on the image data on a specific route line and a collection of photo icons are displayed on as specific route line as controlled by the control movement of the map; thumbnail icons are read from memory storage and displayed at any time; changing a route line by the control movement changes the corresponding image thumbnail icons being displayed and thus the image data set is classified according to a specific route line---or specific theme album on the specific route line; see column 25, lines 1-10; see also column 25, lines 55-67*).

Moreover, Asami also discloses the other claim limitations set forth in the claim 1. For example, Asami discloses the claim limitation of judging whether the distance is over a predetermined threshold value (the thumbnail icon is positioned based on the longitude and latitude information and is obtained by matching the position information and thus Asami

implicitly teaches a match distance between the position coordinates of the travel route line and the position coordinates of the photo icons. Asami implicitly discloses that a match distance between the image pickup time and the pickup time of the photos. Moreover, the thumbnail icons are obtained based on the judgment that the coordinates of the photos are in match with the coordinates of the travel route line and a predetermined number of photo icons possessing the pickup time data are extracted; see column 22, lines 5-35) and classifying the image data set as one of a vacation album or specific theme album according to the result of judgment (*e.g., at column 24, lines 40-67 Asami teaches generating the album data relating to a selected route according to the result of classification based on the image data on a specific route line and a collection of photo icons are displayed on as specific route line as controlled by the control movement of the map; thumbnail icons are read from memory storage and displayed at any time; changing a route line by the control movement changes the corresponding image thumbnail icons being displayed and thus the image data set is classified according to a specific route line--or specific theme album on the specific route line; see column 25, lines 1-10*).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to have incorporated Asami into Kahn's method and apparatus for generating an album because Kahn's photos are location dependent in a trip and are ordered in chronological order in a trip and Kahn's photos thus can be displayed according to the teaching of Asami (Figs. 15-19 and 10-12 of Asami) as Asami's photos are also locations dependent and are ordered chronologically for a trip.

One of the ordinary skill in the art would have been motivated to incorporate Asami to display the photo icons along the travel route (See also Asami column 20, lines 34-62, e.g., the map data indicating the sightseeing course of the tour or the map data indicating the route connecting the thumbnail icons of photos; See also Asami Figs. 10-12 and 15-19).

Re claims 3-5, 8-10, 13-15, 18-20, Kahn teaches in Paragraph 0098-0100 of obtaining related data, which is related to the photography location of the at least one image data set for which the distance is over the predetermined threshold value, based on the location data attached thereto, from a related data storage means which stores a plurality of related data sets and generating album data which includes the related data (*See Paragraph 0098 the location ID information and metadata comprising the latitude and longitude positions are stored as a database record in a database table as well as timestamp, user ID are stored in the database. A portion of the data constitute the additional information; see Paragraph 0100 the image manager compares the location ID against a database of fulfillers and a list of fulfillers within a given distance is returned to the local applet which displays the list to the user*).

Re Claims 21-24: Kahn further discloses that the predetermined reference position is registered as user data (See Paragraph 0098 the location ID information and metadata comprising the latitude and longitude positions are stored as a database record in a database table as well as timestamp, user ID are stored in the database. A portion of the data constitute the additional information; see Paragraph 0100 the image manager compares the location ID against a database of fulfillers and a list of fulfillers within a given distance is returned to the local applet which displays the list to the user).

Re claims 2, 7, 12, and 17, Kahn and Asami further teach the claim limitation of generating travel route data, which represents a route taken during the trip (*e.g., at Asami column 24, lines 40-67 Asami teaches generating the album data relating to a selected route according to the result of classification based on the image data on a specific route line and a collection of photo icons are displayed on as specific route line as controlled by the control movement of the map; thumbnail icons are read from memory storage and displayed at any time; changing a route line by the control movement changes the corresponding image thumbnail icons being displayed and thus the image data set is classified according to a specific route line---or specific theme album on the specific route line; see column 25, lines 1-10; see also column 25, lines 55-67*), based on the location data attached to the at least one image data set for which the distance is over the predetermined threshold value (*e.g., at column 24, lines 40-67 Asami teaches generating the album data relating to a selected route according to the result of classification based on the image data on a specific route line and a collection of photo icons are displayed on as specific route line as controlled by the control movement of the map; thumbnail icons are read from memory storage and displayed at any time; changing a route line by the control movement changes the corresponding image thumbnail icons being displayed and thus the image data set is classified according to a specific route line---or specific theme album on the specific route line and the image data are matched and searched so as to obtain the relevant photo icons for displaying along the travel route wherein the searching process requires the distance between the coordinates of the route and the coordinates of the photos be calculated and compared and the photos satisfying the distance criteria are obtained and displayed; see column*

25, lines 1-10); obtaining a map data set that contains the route from a map database which stores a plurality of map data sets (*Kahn discloses a database which stores geographic locations and/or the latitude and longitude information about the photos taken at the geographic locations (See Kahn Paragraph 0098 wherein the geographic locations constitutes a map data set that forms a route for the photos taken during a trip) and therefore Kahn implicitly teaches a map database storing geographic locations and/or the latitude and longitude information about the photos taken at the geographic locations. Therefore, Kahn implicitly teaches the claim limitation of obtaining, from a storage device and a map database, additional data associated with the classification made for the image data set; and generating the album data according to the result of classification and the image data set and the additional data*), based on the travel route data; generating photography data which represents that the image data set was obtained at the photography location along the route (*See Kahn Paragraph 0098 wherein the geographic locations constitutes a map data set that forms a route for the photos taken during a trip*), attaching the photography data to the map data set and generating album data including the map data set in which the photography data is correlated with the image data set (*See Kahn Paragraph 0098 the location ID information and metadata comprising the latitude and longitude positions are stored as a database record in a database table as well as timestamp, user ID are stored in the database. A portion of the data constitute the additional information; see Kahn Paragraph 0100 the image manager compares the location ID against a database of fulfillers and a list of fulfillers within a given distance is returned to the local applet which displays the list to the user*).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to have incorporated Asami into Kahn's method and apparatus for generating an album because Kahn's photos are location dependent in a trip and are ordered in chronological order in a trip and Kahn's photos thus can be displayed according to the teaching of Asami (Figs. 15-19 and 10-12 of Asami) as Asami's photos are also locations dependent and are ordered chronologically for a trip.

One of the ordinary skill in the art would have been motivated to incorporate Asami to display the photo icons along the travel route (See also Asami column 20, lines 34-62, e.g., the map data indicating the sightseeing course of the tour or the map data indicating the route connecting the thumbnail icons of photos; See also Asami Figs. 10-12 and 15-19).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (571) 272-7665. The examiner can normally be reached on 8:00 - 6:30 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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jcw Jianchong Wang, P.E.